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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 15.07.2026*+ **W.P.(C) 9104/2026 & CM APPL. 42716/2026**

M/S EAGLE INFRA INDIA LIMITED Petitioner

Through: Mr. Nalin Kolhi, Senior Advocate with Mr. Saurabh Suman Sinha, Mr. Siddhartha Iyer, Mr. Aditya Rathee and Ms. Jaispriya Poply, Advocates

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Rohan Jaitley, CGSC with Mr. Akshay Sharma, Mr. Dev Pratap Shahi, Mr. Varun Pratap Singh, Mr. Yogya Bhatia, Advocate for UOI/R-1 and Mr. Raghvendra Upadhyay, Panel Counsel-GNCTD
Mr. Harmanbir Singh Sandhu, Advocate for R-2, 3, 4 and 5

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. By way of the present writ petition, the petitioner seeks grant of following reliefs:

“A. Issue a writ of mandamus or any other writ, order or



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direction in the nature thereof quashing the decision of Respondent no. 2 being the Competent Authority of Respondent no. 1 communicated vide Respondent no. 3's letter no. RO/MUM/CVC-MUM-GOA /2024-25 (239444) dated 16.06.2026; and

B. Issue a writ of mandamus or any other writ, order or direction in the nature thereof quashing Respondent no. 3's letter no. RO/MUM/CVC-MUM-GOA /2024-25 (239444) dated 16.06.2026; and

C. Issue a writ of mandamus or any other writ, order or direction in the nature thereof quashing Respondent no. 4's circulars no. SE/NHC/PB/PO-1/946 & SE/NHC/PB/PO-1/947 both dated 23.06.2026..."

2. Briefly stated, the facts of the case, as set out in the writ petition, are that Respondent No. 5, i.e. the Chief Engineer (NH), Public Works Department, Government of Maharashtra (located at Konkan Bhavan, Navi Mumbai) had issued a Notice Inviting Bid for the rehabilitation and upgradation of NH-66 (erstwhile NH-17) from Km 205/400 to Km 241/300 (Parshuram Ghat–Aravalli Section) into a four-lane highway with paved shoulders in the State of Maharashtra under NHDP Phase-IV on Hybrid Annuity Mode (HAM). The project, *inter alia*, contemplated the construction of a flyover at Chiplun, Maharashtra. It is stated that the bid submitted by the petitioner's joint venture i.e. M/s Chetak Enterprises Ltd. and Eagle Infra India Ltd. JV [hereafter '**Joint Venture**'] was accepted and a Letter of Award was issued in their favour by Respondent No. 1, i.e. Union of India through the Secretary, Ministry of Road Transport and Highways [hereafter '**MoRTH**']. Pursuant thereto, a Concession Agreement was executed between Respondent No. 1, and the Special



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Purpose Vehicle incorporated for execution of the project i.e. M/s Parshuram Aravalli Highways Pvt. Ltd. [hereafter '**PAHPL**'].

3. It is the petitioner's case that, during the execution of the project, a minor accident had taken place, resulting in collapse of the P3-P4 span along with the launching girder of the under-construction flyover. It is stated that the incident did not result in any human or animal casualty. Consequent thereto, the MoRTH constituted a three-member committee to inquire into the accident. The committee submitted its report on 09.10.2024, recommending, *inter alia*, the imposition of a penalty of ₹50,00,000/- upon the PAHPL. The grievance of the petitioner is that, on 24.03.2026, a show cause notice was issued by the respondents to PAHPL, under MoRTH Circulars dated 06.10.2021 and 07.10.2021, proposing to debar the Joint Venture of the petitioner from National Highway and Centrally Sponsored Road Works for a period of one year or till completion of the work, whichever was later, and further proposing the imposition of a penalty of ₹3.35 crores. The PAHPL submitted a detailed reply to the show cause notice on 07.04.2026, raising, *inter alia*, the objection that the accident was minor in nature and that the proposed action amounted to imposition of a major penalty. The PAHPL also specifically sought an opportunity of personal hearing. It is stated that, despite the aforesaid request, no opportunity of personal hearing was granted. Thereafter, *vide* communication dated 16.06.2026, Respondent No. 2, i.e. the Director General (Road Development) & Special Secretary, Ministry of Road Transport and Highways,



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conveyed its decision to Respondent No. 3 for taking further action against the petitioner's Joint Venture as well as the PAHPL. Pursuant thereto, Respondent No. 4 issued the impugned Circular No.SE/NHC/PB/PO-1/947 dated 23.06.2026, whereby the petitioner was debarred from undertaking National Highway works for a period of one year or till completion of the Chiplun Flyover, whichever is later, and a penalty equivalent to 5% of the contract value was imposed. Aggrieved thereby, the petitioner has filed the present writ petition.

4. At the outset, when the matter was taken up, the learned counsel appearing for the respondents raised a preliminary objection regarding the territorial jurisdiction of this Court to entertain the present petition.

5. The learned senior counsel appearing for the petitioner argues that a substantial part of the cause of action has arisen within the territorial jurisdiction of this Court, as the impugned action emanates from the directions of MoRTH, which is situated in New Delhi. It is stated that the very foundation of the proceedings against the petitioner lies in MoRTH Circulars dated 06.10.2021 and 07.10.2021, which were issued by Respondent No. 1 from New Delhi, and on the basis of which the show cause notice dated 24.03.2026 came to be issued to PAHPL proposing debarment of the petitioner's Joint Venture and imposition of penalty. It is further contended that the communication dated 16.06.2026 issued by Respondent No. 3 itself



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records that the Competent Authority in the Ministry had approved the proposed action against the petitioner as well as PAHPL. Thus, according to the learned senior counsel, the decision-making process culminating in the impugned action had taken place at the level of the Ministry at New Delhi, and the said communication merely conveyed the decision so taken. It is further submitted that the impugned Circular No. SE/NHC/PB/PO-1/947 dated 23.06.2026 has also been issued pursuant to, and in implementation of, the aforesaid approval granted by the Competent Authority in the Ministry, as communicated *vide* letter dated 16.06.2026. It is, therefore, argued that the impugned circular is merely a consequential action taken in furtherance of the decision of Respondent No. 1 taken at New Delhi. Therefore, it is contended that the present writ petition is maintainable before this Court.

6. On the other hand, the learned counsel appearing for the respondents submits that the entire cause of action has arisen within the State of Maharashtra. It is contended that the project in question was situated in Maharashtra and the incident involving the collapse of the under-construction flyover also took place in Maharashtra. It is further submitted that the show cause notice dated 24.03.2026 was issued by the Office of the Executive Engineer, Public Works Department, National Highway Division, Jaistambh, Ratnagiri-415612, Maharashtra. The communication dated 16.06.2026 was issued by Respondent No. 3, i.e. the Office of the Chief Engineer, Government of India, Ministry of Road Transport & Highways



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(Regional Office, Maharashtra & Goa), while the impugned Circular No. SE/NHC/PB/PO-1/947 dated 23.06.2026 was issued by Respondent No. 4, i.e. the Office of the Superintending Engineer, National Highway Circle, Konkan Bhavan, Navi Mumbai-400614, Maharashtra. The learned counsel further contends that the mere fact that the MoRTH is headquartered in New Delhi, or that the Competent Authority of the Ministry granted approval to the proposed action, does not, by itself, confer territorial jurisdiction upon this Court. It is argued that the approvals granted by the Ministry merely formed part of the administrative decision-making process, whereas the substantive cause of action arose entirely in Maharashtra, where the project was executed, the accident took place, the show cause notice was issued, and the impugned orders came to be implemented. It is, therefore, contended that no integral part of the cause of action has arisen within the territorial jurisdiction of this Court. Accordingly, it is prayed that the present writ petition be dismissed as not maintainable for want of territorial jurisdiction.

7. This Court has **heard** arguments addressed on behalf of the petitioner as well as the respondents, and has carefully perused the material placed on record.

8. In the present case, a perusal of the record reveals that the project in question — *Rehabilitation and Upgradation of NH-66 (Erstwhile NH-17) from Km. 205/400 to Km. 241/300 (Parshuram Ghat–Aravalli Section) to four-lane with paved shoulder in the State*



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of Maharashtra under NHDP Phase-IV on Hybrid Annuity Mode — pertains entirely to the State of Maharashtra. As per the petitioner's own case, the Notice Inviting Bids for the said project was issued by Respondent No. 5, i.e. the Chief Engineer (National Highways), Public Works Department, Government of Maharashtra, Konkan Bhavan, Navi Mumbai. This Court also notes that the Concession Agreement dated 04.10.2016 was also executed in relation to the said project between PAHPL and the said Respondent No. 5.

9. It is also not in dispute that the accident, which resulted in the collapse of the P3-P4 span along with the launching girder of the under-construction flyover at Chiplun, Maharashtra, took place within the State of Maharashtra. Pursuant to the said incident, a three-member committee was constituted to inquire into the accident, and the committee recommended the imposition of a penalty of ₹50,00,000/- upon PAHPL. It is this incident, and the consequential findings of the committee, which constitute the genesis of the subsequent proceedings initiated against the petitioner.

10. The record further reveals that the show cause notice dated 24.03.2026 was issued by the Office of the Executive Engineer, Public Works Department, National Highway Division, Jaistambh, Ratnagiri, Maharashtra. The communication dated 16.06.2026 was issued by Respondent No. 3, i.e. the Office of the Chief Engineer, Ministry of Road Transport and Highways (Regional Office, Maharashtra & Goa). Thereafter, the impugned Circular dated



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23.06.2026 was issued by Respondent No. 4, i.e. the Office of the Superintending Engineer, National Highway Circle, Konkan Bhavan, Navi Mumbai, Maharashtra. *Pertinently*, the prayers in the present petition also seek quashing of the aforesaid letter dated 16.06.2026 and circular dated 23.06.2026.

11. Thus, the project in question, the accident giving rise to the proceedings, the issuance of the show cause notice, and the issuance of the impugned communication and circular are all connected with authorities situated in the State of Maharashtra. The entire sequence of events giving rise to the petitioner's grievance has, therefore, substantially arisen within the State of Maharashtra.

12. In view of the aforesaid facts, this Court finds that the authorities directly concerned with the impugned action, as well as the subject project to which the dispute relates, are situated outside the territorial jurisdiction of this Court.

13. In ***Kusum Ingots & Alloys Ltd. v. Union of India***: (2004) 6 SCC 254, the Hon'ble Supreme Court examined the scope of territorial jurisdiction under Article 226(2) of the Constitution of India and held that the mere location of the seat of the Union Government or the authority concerned does not, by itself, confer territorial jurisdiction upon a High Court. The Supreme Court observed that jurisdiction under Article 226 is determined by whether any part of the cause of action has arisen within the territorial limits of the High Court concerned. Further, the concept of *forum*



conveniens was explained by the Hon'ble Supreme Court in the said decision by way of following observations:

“Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. [See *Bhagat Singh Bugga v. Dewan Jagbir Sawhney* [1941 SCC OnLine Cal 247 : AIR 1941 Cal 670 : ILR (1941) 1 Cal 490], *Madanlal Jalan v. Madanlal* [1945 SCC OnLine Cal 145 : (1944-45) 49 CWN 357 : AIR 1949 Cal 495], *Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd.* [1997 CWN 122], *S.S. Jain & Co. v. Union of India* [1993 SCC OnLine Cal 306 : (1994) 1 CHN 445] and *New Horizons Ltd. v. Union of India* [(1997) 89 Comp Cas 785 : 1993 SCC OnLine Del 564 : AIR 1994 Del 126].]

14. A similar view was also taken by the Hon'ble Supreme Court in ***State of Goa v. Summit Online Trade Solutions (P) Ltd.:*** (2023) 7 SCC 791, wherein it has been held as under:

“14. While dealing with an objection as to lack of territorial jurisdiction to entertain a writ petition on the ground that the cause of action has not arisen within its jurisdiction, a High Court essentially has to arrive at a conclusion on the basis of the averments made in the petition memo treating the contents as true and correct. That is the fundamental principle. Bearing this in mind, we have looked into the petition memo of WP (C) No. 38 of 2017 and searched in vain to trace how at least part of the cause of action has been pleaded by the petitioning company, to have arisen within the territorial jurisdiction of the High Court.

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17. Determination of the question as to whether the facts pleaded constitute a part of the cause of action, sufficient to attract clause (2) of Article 226 of the Constitution, would



necessarily involve an exercise by the High Court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the High Court to decide the dispute and that, at least, a part of the cause of action to move the High Court arose within its jurisdiction. Such pleaded facts must have a nexus with the subject-matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the court. These are the guiding tests.

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21. Even otherwise, the High Court was not justified in dismissing the interim applications. **Assuming that a slender part of the cause of action did arise within the State of Sikkim, the concept of forum conveniens ought to have been considered by the High Court. As held by this Court in *Kusum Ingots v. Union of India and Ambica Industries v. CCE*, even if a small part of the cause of action arises within the territorial jurisdiction of a high court, the same by itself could not have been a determinative factor compelling the High Court to keep the writ petitions alive against the appellant to decide the matter qua the impugned notification, on merit.”**

(emphasis added)

15. The learned senior counsel appearing for the petitioner has placed strong reliance on the decision of the Hon’ble Supreme Court in *Ueta, Inc. & Ors. v. Union of India & Ors.: SLP (Civil) No. 1671 of 2026*, and has, in particular, drawn the attention of this Court to the observations contained in paragraphs 5 and 6 thereof, which are as under:

“5. It is well settled and calls for no detailed discussion that mere conferment of jurisdiction on a Court, including the High Court, through an agreement between the parties, per se, will



not confer jurisdiction. In matters of maintainability of writ petitions, the jurisdictional competence of the High Court has to be traced out within the contours of Article 226(2) of the Constitution, which reads as under:

“Article 226(2). The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

6. It may, thus, be seen that the High Court where the cause of action has arisen, even in part, is also competent to entertain the writ petition under Article 226 of the Constitution. In the instant case, we find that the corporate office of the Yamuna International Airport Private Limited is admittedly located in Delhi. We can safely infer that all the officers who are involved in the decision-making process also sit in the corporate office in Delhi. It seems to us that the decision to issue the LOIA and eventually to accept or reject the bids must have been taken by the senior functionaries of the Yamuna International Airport Private Limited, who, as noticed above, ordinarily sit in their corporate office.

16. It would, however, be also pertinent to take note of the observations in paragraph 10 of the very same decision, wherein the Hon’ble Supreme Court, has clarified the following:

“10. It is clarified that **this order shall not be construed to mean that, in every case where respondent Nos. 4, 5 or any other contesting respondents issue a tender and/or enter into any contractual obligation, jurisdiction would automatically vest in the Courts at Delhi, including the High Court, merely because of such issuance or even by virtue of any written agreement to that effect, especially when the tender was floated and all subsequent activities were undertaken in Noida or at any place outside Delhi. The question of territorial jurisdiction, thus, will essentially depend upon the facts and circumstances of each case; this**



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order shall not be a binding precedent to be followed in other matters. We request the High Court to decide the petition expeditiously.”

(emphasis added)

17. The Division Bench of this Court in ***Gautam Mondal v. Union of India***: 2026 SCC OnLine Del 191 has held as under:

“16. From the cumulative perusal of the aforesaid precedents, it emerges that the litigant, being dominus litis, is entitled to approach the jurisdiction of his choice, where cause of action arises in two or more jurisdictions, however, it is upon the Court's discretion to exercise such jurisdiction, while keeping in mind whether it constitutes an appropriate and convenient forum for adjudication or not.

17. Applying the aforesaid settled legal principles to the facts of the present case, it is evident that both the petitioner and the State Authority (respondent No. 3), on whose report the criminal cases and impugned proceedings were initiated, are situated in the State of West Bengal. The criminal cases forming the predicate offences for issuance of the impugned Detention Order are pending within the territorial jurisdiction of the High Court of Calcutta, and the relevant records pertaining to the petitioner, his alleged criminal antecedents, and the said cases are also located in West Bengal. Furthermore, the petitioner has failed to disclose any cogent reason justifying invocation of the jurisdiction of this Court.

18. In view of the aforesaid discussion, this Court refuses to exercise its discretionary extraordinary jurisdiction, applying the doctrine of forum conveniens, and disposes of the present petition with liberty to the petitioner to approach the appropriate Court/forum.”

18. In the backdrop of the aforesaid principles, the mere fact that the headquarters of the MoRTH is situated in New Delhi cannot, by itself, confer territorial jurisdiction upon this Court to entertain the present petition. If such a contention was to be accepted, it would



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lead to a situation wherein every dispute arising out of National Highway projects across the country could be brought before this Court, on the premise that the Ministry concerned is headquartered in New Delhi and the concerned State authorities or Regional Offices would have acted pursuant to directions or approvals issued by the Ministry.

19. To reiterate, the project in question pertains to the construction and upgradation of a National Highway in the State of Maharashtra, and the accident giving rise to the present proceedings also took place in Maharashtra. The petitioner i.e. M/s Eagle Infra India Limited itself is located in the State of Maharashtra, its registered office being at Thane, Ulhasnagar, Maharashtra-421003. Further, the impugned communication dated 16.06.2026 and the impugned Circular dated 23.06.2026 were issued by Respondent no. 3 and Respondent no. 4, both authorities located in the State of Maharashtra. Thus, in the considered opinion of the Court, the entire bundle of material facts giving rise to the present cause of action has arisen within the State of Maharashtra.

20. Accordingly, this Court is of the considered view that no integral part of the cause of action has arisen within its territorial jurisdiction.

21. Consequently, this Court is not inclined to entertain the present writ petition. The same is accordingly dismissed, with liberty to the petitioner to avail of such remedies as may be available in law before



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the appropriate forum, including the High Court having territorial jurisdiction over the matter. Pending application also stands disposed of.

22. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 15, 2026/
T.D./T.S.